

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Melodio Reyes

PRINCIPAL

Case Number:

YOB: 1961

M-19-0426-M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 20, 2019 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Silanderson De Aquino-Bautista and Flavio Luiz De Aquino, citizens and nationals of Brazil, along with eight (8) other undocumented aliens, for a total of ten (10), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Escobares, Texas to the point of arrest near Escobares, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On February 20, 2019, Border Patrol Agents observed several subjects staging near the Mexican riverbank south of Escobares, Texas. Suspecting that the subjects may attempt to make an illegal entry into the United States, agents strategically positioned themselves north of the area.

A Border Patrol Agent observed a raft with approximately ten subjects cross the Rio Grande River and make landfall on the United States riverbank in Escobares, Texas. The agent relayed his observations to the nearby agents. Subsequently, a sensor activated near the area where the subjects crossed. A Border Patrol Agent, who was positioned near the area north of a road, observed a black Sport Utility Vehicle (SUV) stop and heard a male subject say "get in and hurry up" in the Spanish language. The agent observed the black SUV depart the area and relayed his observations to mobile agents.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by Daniel A. Lindmark
2/22/19

Julio C. Peña
Signature of Complainant

Sworn to before me and subscribed in my presence,

Julio C. Peña Senior Patrol Agent
Printed Name of Complainant

February 22, 2019 - J. 24 a.m.
Date

at **McAllen, Texas**
City and State

Juan F. Alanis, U. S. Magistrate Judge
Name and Title of Judicial Officer

Juan F. Alanis
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-0426-M

RE: Melodio Reyes

CONTINUATION:

A nearby mobile agent, who was monitoring the radio traffic, responded to the area and located the black SUV. The agent proceeded to follow the black SUV and noticed that it was traveling low and he could clearly see several passengers in the vehicle. The SUV began to travel east on US Highway 83 when the agent activated his emergency equipment. The SUV pulled off the highway and continued to travel east. The agent disengaged his emergency equipment and continued to follow the SUV.

The SUV eventually came to a stop and the agent observed several subjects exit the SUV. Agents apprehended a total of ten subjects who admitted to being illegally present in the United States. The driver was identified as, Melodio Reyes, a United States Citizen.

All eleven subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

Principal Statement:

Melodio Reyes was advised of his Miranda Rights, stated he understood his rights, and refused to provide a sworn statement.

Material Witnesses Statements:

Silanderson De Aquino-Bautista and Flavio Luiz De Aquino, citizens and nationals of Brazil, were advised of their Miranda Rights, stated they understood their Rights, and agreed to provide a sworn statement.

Silanderson De Aquino-Bautista claimed he made his smuggling arrangements to be smuggled into the United States. De Aquino-Bautista crossed the river on a raft with nine other people and two rafters. Once the raft made landfall in the United States, De Aquino-Bautista and the rest of the group followed the two rafters, who led them to a road. At the road, one of the rafters waived down a black SUV. De Aquino-Bautista stated that the driver of the SUV instructed them to board the vehicle. De Aquino-Bautista sat in the front passenger seat. De Aquino-Bautista indicated that the driver drove in circles until he was stopped by Border Patrol. De Aquino-Bautista stated that the driver instructed them to run and he was eventually apprehended by Border Patrol.

De Aquino-Bautista identified Melodio Reyes, through a photo lineup, as the driver of the vehicle he was being transported in.

Flavio Luiz De Aquino claimed he was going to pay an undisclosed amount of money once he was successfully smuggled in the United States. De Aquino crossed the river on a raft, with a group of 12 people, two of whom were smugglers. The smugglers informed the group that a car would be waiting to pick them up in the United States. The smugglers guided them to a street where they boarded a black car. De Aquino stated that as they boarded the vehicle, Border Patrol arrived and the driver proceeded to drive at a slow speed. Shortly after, the driver instructed them to run.

Flavio Luiz De Aquino identified Melodio Reyes, through a photo lineup, as the driver of the vehicle he was being transported in.